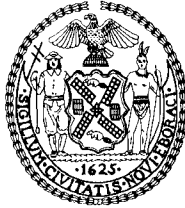


MEMO ENDORSED

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/1/08

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June 30, 2008

BY HAND

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

JUL 01 2008

Re: A.P., et al. v. City of New York, et al., 08 CV 2409 (JGK)

Dear Judge Koeltl:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendant City of New York in the above-referenced action. I write to request an adjournment of the initial conference now set for July 8, 2008, at 4:30 p.m., until a date after the issues concerning plaintiffs' request for a protective order and to proceed in this action by way of pseudonym have been resolved by the Court. As set forth below, defendant believes that an initial conference would serve no useful purpose at this point.

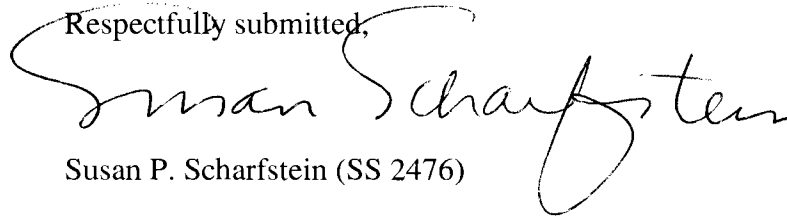
As the Court may recall, the parties made written submissions on the issues described above beginning in May of 2008. By Order dated May 23, 2008, Your Honor referred this limited issue to Magistrate Judge Francis. Following additional correspondence on these issues that was submitted by the parties in late May and early June, a conference was scheduled by the magistrate judge. As a result of scheduling issues, that conference was set to take place on July 7, 2008, at 11:00 a.m. Accordingly, we anticipate that the issues concerning plaintiffs' request for a protective order will not be resolved until at least that date. Once those issues have been resolved, plaintiffs will need to produce properly-executed New York Criminal Procedure Law § 160.50 and/or Family Court Act § 375.1 authorizations for release of records so that defendant will be able to access the underlying records, investigate, and respond to the allegations of the complaint. Until we receive the necessary information concerning the underlying incident alleged in the complaint, we will be unable to properly respond to plaintiffs' allegations, prepare initial disclosures, or participate in a Rule 26(f) or a Rule 16(b) conference.

Conference adjourned to August 21, 2008
at 4³⁰ P.M. so ordered.
7/1/08 [Signature] U.S.D.S.

For the reasons set forth above and in defendant's previous correspondence to the Court, we ask that the Court defer the initial conference until a date after defendant has received the releases, has had an opportunity to investigate the underlying allegations, and has responded to the allegations of the complaint. With the Court's approval, we will submit a status report once the July 7, 2008 conference before Magistrate Judge Francis has taken place.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in cursive script, reading "Susan Scharfstein". The signature is written in black ink and is positioned below the typed name.

Susan P. Scharfstein (SS 2476)

cc: Honorable James C. Francis (by hand)
Elora Mukherjee, Esq. (by hand)